

**City of Tillamook
Planning Commission
Minutes
October 2, 2008**

I. CALL TO ORDER:

Chairperson Stewart called the meeting to order at 7:00 pm.

Commission Members Present:

Jan Stewart, Chairperson
Tamra Jacobs
Rob Huston
Howard Harrison
Nick Hahn

Commission Members Absent:

Ray Jacobs (excused)

Staff Present:

David Mattison, City Planner

II. HEARINGS OF CITIZENS AND DELEGATIONS: NONE

**III. APPROVAL OF PLANNING COMMISSION HEARING MINUTES
FROM SEPTEMBER 18, 2008**

Three corrections were identified that needed to be made in the minutes. **Commissioner Harrison moved to approve the minutes of September 18, 2008 with changes. Motion seconded by Commissioner Huston. Motion passed unanimously in favor (Commission Member T. Jacobs abstained).**

IV. PUBLIC HEARINGS:

Chairperson Stewart opened the hearing by first rearranging the agenda to move item #3 to the second of the public hearings and item #2 to the third item on the public hearing

1. Atlas Tillamook, #SP-08-04, Site Plan Review, to construct an additional 32 space off-street parking lot with a new garbage enclosure on the subject property (Tax Lot 307) and request a variance, #V-08-01, of 22 off-street parking spaces from the maximum number of off-street parking spaces allowed under Section 25 of Zoning Ordinance #979, after adjusting the property line, through the request for a minor partition, #M-08-04, between Tax Lots 306 and 307, within the C-H Zone District of the City of Tillamook.

Chairperson Stewart read the hearing disclosure statement into the record, asking if any of the commissioners had ex-parte contact, conflicts of interest or bias. There were no

ex-parte contacts, conflicts of interest or bias stated. There were no challenges from the audience.

City Planner reviewed the findings with a couple corrections that needed to be made and the conditions of approval.

There was discussion by the Planning Commission as to whether the Planning Commission should handle the boundary adjustment as part of the application or if it should be handled administratively. Questions arose about the applicant's answers to the variance criteria.

Commissioner Huston asked about phased development to the west and the additional parking. **City Planner** stated that if there was development to the west, they could have a shared parking agreement with this property.

Commissioner T. Jacobs asked about the ODOT requirements. **City Planner** stated since there was additional parking onsite that ODOT requires a new access permit.

Applicant:

Steve Janik, Lawyer for the applicant, 101 SW Main, Portland, explained the reason for the boundary adjustment to be approved by the Planning Commission. He explained the ODOT requirements and the applicant's traffic study and how the original study overestimated the trips generated onsite. He clarified further that Phase 2 was not on the applicant's property. He clarified the answers to the variance criteria.

Commissioner Harrison asked about the overestimation of the trips generated onsite. Steve Janik stated that the engineers double counted the original trips that would be generated.

Commissioner T. Jacobs asked if there would be additional striping across the driveways for pedestrian safety.

Fred Painter, Ankrom Moisam Architects, 6720 SW Macadam, Portland, described the site plan in further detail and the reasons why there was no pedestrian crossing where the Planning Commission member described her concern because it was a vehicle circulation path.

Commissioner Huston clarified that there was a propane tank and dumpster in the areas the Planning Commission members were interested in located an additional pedestrian crosswalk.

There was no more testimony of those in support, in opposition or neutral to the application.

City Planner stated that there had been discussion between staff and the applicant about locating a pedestrian crosswalk from the new parking area to Burger King.

Chairperson Stewart closed the public hearing and opened the Planning Commission discussion. She asked if the Planning Commission was interested in approving the minor

partition as part of the staff report, discussing pedestrian crossing and the variance criteria.

Commissioner Huston examined the variance criteria and was satisfied with the additional information that was provided by the applicant.

Further discussion followed.

Chairperson Stewart reminded the Planning Commission members that as a part of the planning process the Planning Commission is charged with making a livable, viable community, and to think of this variance as creates something this community needs versus sticking precisely to the criteria.

Further discussion followed regarding the number of parking spaces required.

Commissioner T. Jacobs stated from experience that pedestrian, especially children will not cross the driveways at the current crosswalk. Is the berm going to be high enough to discourage pedestrians from crossing at that point? Will it deter people from crossing? Will cars be entering the flow of traffic when exiting the new parking area?

Further discussion followed.

Commissioner T. Jacobs stated signage is the way to go to prevent accidents.

Commissioner Harrison asked about a speed bump.

Further discussion followed.

Commissioner Huston made a motion that SP-08-04, V-08-01 be approved with the corrections stated by City Planner and adding a condition that the applicant shall construct a speed bump on the driveway located in the center of the subject property between the existing garbage enclosure and the landscape berm that delineates the new parking lot from the driveway.

Commissioner Harrison seconded the motion.

Chairperson Stewart asked if there was further discussion.

Commissioner Harrison asked if the minor partition which wasn't mentioned in the motion, was to be handled administratively, then the conditions for the minor partition should be removed.

Commissioner Huston withdrew his motion and made a motion that SP-08-04, V-08-01, M-08-04 be approved in accordance with the Staff's findings of fact and with the corrections stated by City Planner and adding a condition that the applicant shall construct a speed bump on the driveway in the center of the subject property between the existing garbage enclosure and the landscape berm that delineates the new parking lot from the driveway.

Commissioner Harrison seconded the motion.

Chairperson Stewart asked if there was further discussion.

Commission T. Jacobs presented her concerns with the applicant's response to the criteria for the variance.

Commissioner Hahn presented his concern with the placement of a speed bump on the driveway.

Commissioner T. Jacobs presented a concern with the curb that exists between driveways adjacent to Burger King and that it should be there, and it should be created in a friendly amendment.

City Planner stated that there was no curb between the two driveways.

Chairperson Stewart that the question was called and now the motion needed to be voted on.

Commissioner T. Jacobs asked why since the concern hadn't been addressed and the motion hadn't been amended.

Chairperson Stewart stated that the Commission is not in a consensus process.

The vote was as follows:

Commission Member Huston: aye

Commission Member Hahn: aye

Commission Member T. Jacobs: nay

Commission Member Harrison: aye

There being a three (3) aye and one (1) nay vote, the motion carried. Chairperson Stewart advised of the ten-day appeal of decision from the date of this hearing.

2. City of Tillamook, WWTP, revisions to Conditional Use Permit #CU-06-02 and Site Plan Review #SP-06-02, at Map # T1S R10W 25CA Tax lots 1400 and 1500, within the R-7.5 and P&S-P Zone inside the City Limits and Urban Growth Boundary regarding alteration of the landscaping.

Chairperson Stewart read the hearing disclosure statement into the record, asking if any of the commissioners had ex-parte contact, conflicts of interest or bias. There were no ex-parte contacts, conflicts of interest or bias stated by the Planning Commission. There were no challenges from the audience.

City Planner explained the amendment to the site plan that was proposed.

Commissioner Hahn asked if the landscaping requirement would still be met. If so, that's all he needed to know.

City Planner stated that the landscape requirement would still be met.

There was no more testimony of those in support, in opposition or neutral to the application.

Chairperson Stewart closed the public hearing and opened the Planning Commission discussion.

Commissioner Huston asked why the Planning Commission was hearing this application without an applicant.

Commissioner Harrison made a motion to approve CU-06-02 and SP-06-02 in accordance with the Staff's findings of fact. Based on these findings the applicant has met the applicable criteria and the suggested conditions the staff has outlined must be met.

Commissioner Huston seconded the motion.

Commissioner T. Jacobs asked if they could find out from staff what the required percentage of landscaping is?

City Planner stated that the percent of landscaping required is 15% for public and semi-public buildings. That percent has been exceeded by 10%.

Chairperson Stewart stated that there is still a motion on the table, and that these findings stating the percent of landscaping required should be listed in the findings.

The vote was as follows:

Commission Member Huston: aye

Commission Member Hahn: aye

Commission Member Harrison: aye

Commission Member T. Jacobs: aye

There being four (4) aye votes the motion carried unanimously.

Chairperson Stewart advised there is a ten-day appeal period from the date of the hearing.

Commissioner T. Jacobs asked if the riparian area was included as landscaping.

City Planner answered affirmatively.

Further discussion followed.

Chairperson Stewart brought the meeting back to order stating that the discussion is over once the motion has been made.

A ten-minute recess followed.

3. Valley Fresh Produce, progress report and revisions to Site Plan Review #SP-07-05, at Map # T1S R9W 28 Tax lot 100, within the R-0 Zone inside the City Limits and Urban Growth Boundary regarding alteration of the location of the handicapped ramp.

Chairperson Stewart read the hearing disclosure statement into the record, asking if any of the commissioners had ex-parte contact, conflicts of interest or bias.

Commissioner T. Jacobs stepped down because of a conflict of interest.

There were no challenges from the audience.

City Planner explained the amendment to the site plan that was proposed. He described what was onsite as of now. Additionally he reported that no further conditions than the Consent to Annex, from the previous hearing had been met.

Chairperson Stewart clarified the changes with the City Planner.

Applicant:

Rich Gitchlag, 805 Ivy Avenue, Tillamook, explained the reasons for reappearing before the Planning Commission for the amendments to the site plan with the relocation of the handicapped ramp. He continued that the sanitary sewer hook-up has not been completed. He stated that Mr. Sosa is aware that the sidewalk, curblin and driveways must be completed and he has a contractor to construct these. The plans have been completed but no permits have been approved or physical work has been completed. He is aware that there is a fair amount of work that needs to be completed.

Chairperson Stewart asked if Mr. Gitchlag knew what was holding this up.

Mr. Gitchlag responded that he didn't know what was holding the process up from completion. But he continued that he is not the project manager. He cannot speak for what the schedule for completion is.

Chairperson Stewart asked about the six-foot high fence in the front yard.

Mr. Gitchlag could not give her an answer. He has observed that the plan was not completed the way it was drawn up to be done.

Chairperson Stewart asked if there was a timeline to complete work on the building.

City Planner responded that there was a timeline to complete many of the conditions before occupation of the building and operation of the business. This was a six month review of the project by the Planning Commission.

City Planner also mentioned that there was some overlap was allowed in the first hearing as a condition.

Further discussion followed.

Mr. Gitchlag stated that the sewer line needed to be placed in the R.O.W. before the sidewalk went in. However, DEQ has not approved the sewer line extension which may hold things up.

There was no testimony in support, in opposition or neutral to the application.

Chairperson Stewart closed the public hearing and opened Planning Commission discussion.

Commissioner Huston expressed his concern that the business owner was not here to discuss the required conditions. There was concern with the requirements to gain approval from the Health Department and the Department of Agriculture.

Chairperson Stewart summarized the concern that there were a number of conditions that were not complied with and there are a number of alterations that have been made from the past site plan review or that need to be changed. IS the applicant going to comply with the conditions or will the applicant need to have some of these conditions extended?

Further discussion followed.

Commissioner Huston asked what is the choice that the Planning Commission has?

Chairperson Stewart asked the City Planner if the Planning Commission has the right to revoke the Site Plan or extend the deadlines.

City Planner confirmed the options.

Commissioner Hahn made a motion to table the decision until the November 6, 2008 Planning Commission Hearing.

Commissioner Harrison seconded the motion.

Chairperson Stewart asked if there was any further discussion on the motion. There was none.

The vote was as follows:

Commission Member Huston: aye
Chairperson Stewart: aye
Commission Member Hahn: aye
Commission Member Harrison: aye

There being four (4) aye votes the motion carried unanimously.

Chairperson Stewart directed staff that the applicant be informed of the motion.

Commissioner T. Jacobs excused herself with a hand-written note from the remainder of the public hearing without permission of the Planning Commission.

V. ITEMS OF HIGH PUBLIC INTEREST:

1. Oregon State Quarterly Ethics Reports.

City Planner distributed the Quarterly Public Official Disclosure forms to the Planning Commission member and stated that these reports are due on October 15, 2008.

VI. ITEMS OF COMMISSION CONCERN:

1. Open Forum: Commissioner Huston requested that the City be present as an applicant at hearings that deal with City applications.

Further discussion followed.

Chairperson Stewart stated the City Planner is wearing a dual hat as the applicant and supporting the Commission in their decision-making and that has become a conflict of interest. She directed City Planner to contact City staff to be present at the City land use applications hearings.

There was discussion regarding enforcement.

Commissioner Harrison asked City Planner if a demolition permit had been obtained for 502 Grove.

City Planner stated that a demolition had been obtained and approved.

Chairperson Stewart asked why staff presented administrative decisions to the Planning Commission.

It was recommended that the administrative decisions be removed from the agenda.

VII. ANNOUNCEMENTS:

City Planner let the Commission know that archived planning commission training sessions are still online.

Chairperson Stewart announced that there is a Planning Training Session in Florence on October 9, 2008.

VIII. ADJOURNMENT OF PUBLIC HEARING:

There being no further business, the meeting was adjourned at 10:15 pm.

Submitted by,
David Mattison, City Planner

Approval Acknowledged by:

Jan Stewart, City Planning Commission Chair

Date